



U.S. Department of Justice

United States Attorney
Southern District of New York

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

July 1, 2021

BY ECF AND EMAIL

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: **United States v. Robert Hadden,**
20 Cr. 468 (RMB)

Dear Judge Berman:

The Government respectfully writes in response to the defense's discovery letter, dated June 30, 2021, which was addressed to the Government but filed on the public docket (the "June 30 Letter"). (Dkt. 91). The June 30 Letter does not seek any relief from the Court. (*See id.*). As set forth in the Government's letter to the Court, dated May 6, 2021, the Government will prepare and transmit a response to any discovery letters sent by the defense to the Government, including the newly-filed June 30 Letter, directly to the defense. (*See* Dkt. 86). The Government respectfully requests that the Court take no action because there is no discovery dispute ripe for the Court's intervention. (*See id.* (citing L. Crim. R. 16.1; *United States v. Fernandez*, No. 17 Cr. 167 (JMF), 2017 WL 6372783, at *1 n.2 (S.D.N.Y. Dec. 12, 2017) (declining to address the defense's discovery requests))). Indeed, over the past several months, the parties have regularly conferred about discovery, and we will continue to do so.

This is the second time that the defense has filed correspondence between counsel on the public docket, in contravention of the Your Honor's individual practices and the Local Rules in this District. *See* Individual Practices of Honorable Richard M. Berman, Rule 1(A) (Nov. 2020) ("correspondence between counsel shall **not** be filed on ECF or otherwise sent to the Court." (emphasis in original)); Local Rules for the United States District Courts for the Southern and Eastern District, Rule 5.2 (Oct. 29, 2018) ("letter-motions . . . and letters addressed to the Court (but not letters between the parties) may be filed via ECF").

To be clear, the Government disagrees with certain of the assertions in the June 30 Letter, including those relating to victim and witness statements and the Government's investigation, among other things. The defendant's pretrial motions are due in one month, on August 2, 2021, and to the extent the parties cannot resolve any disputes before then, the Government looks forward to responding to the defense's claims and presenting the facts to the Court in the context of such motion practice.

Respectfully submitted,

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United States Attorney

by: /s/
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cc: Defense Counsel (By Email and ECF)